

ORDINANCE NO. 136 (as amended)

AN ORDINANCE RESTRICTING THE PLACEMENT AND USE OF PORTABLE
TOILETS WITHIN THE CITY LIMITS OF UNIVERSITY HEIGHTS AND
PROVIDING PENALTIES

SECTION 1. PURPOSE.

The purpose of this ordinance is to preserve and protect the rights, privileges, and property of the City of University Heights and its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the residents of University Heights.

SECTION 2. PORTABLE TOILETS PROHIBITED.

- A. No person shall display, maintain, utilize, possess, store, place, keep, or permit to be displayed, maintained, utilized, possessed, stored, placed, or kept, any portable toilet within the city limits of the City of University Heights, Iowa.
- B. Nor shall any person, company, business, enterprise or other entity engaged in renting, leasing, chartering, or otherwise providing portable toilets display, maintain, utilize, possess, store, place, keep, or permit to be displayed, maintained, utilized, possessed, stored, placed, or kept, any portable toilet within the city limits of the City of University Heights, Iowa.

SECTION 3. EXEMPTIONS.

The following are exempt from this ordinance:

- A. **Portable toilets in residential and commercial zones.**
Portable toilets on any property in an R-1 or R-3 Residential Zone (R-1 or R-3) or in a C Commercial Zone where fifteen (15) or more vehicles are parked with the consent of the property owner, persons in possession, or the agents of either during days on which The University of Iowa plays football games in Kinnick Stadium, provided the portable toilets are placed no earlier than 8:00 a.m. on the Thursday immediately before each scheduled football game of the season and removed no later than seventy-two (72) hours following each scheduled game. If the football games held at Kinnick Stadium are scheduled on consecutive weekends, then portable toilets shall be allowed to remain until seventy-two (72) hours immediately following the last consecutive scheduled football game. Any portable toilet placed pursuant to this section shall be secured

or locked on non-game days to prevent the access and use of such toilet. Any portable toilet placed pursuant to this section must be cleaned and serviced before 5:00 p.m. on the Sunday immediately following each game. Failure to comply with the placement, service, and cleaning requirements of this section shall constitute a violation of this ordinance.

B. Portable toilets in business zone.

Portable toilets on any property within the B Business Zone or in a C Commercial Zone where fifteen (15) or more vehicles are parked during days on which The University of Iowa plays football games in Kinnick Stadium provided the portable toilets are placed no earlier than 8:00 a.m. on the Thursday immediately before the first game of the season and removed no later than seventy-two (72) hours following the last game of the season. A property owner shall make best reasonable efforts to ensure portable toilets are not visible from public streets. Any portable toilet placed pursuant to this section shall only be accessible for use on game days and shall be secured or locked on non-game days in order to prevent the access and use of such toilet. Any portable toilet placed pursuant to this section must be cleaned and serviced before 5:00 p.m. on the Sunday immediately following each game. Failure to comply with the placement, service, and cleaning requirements of this section shall constitute a violation of this ordinance.

C. Construction activities.

Any portable toilet(s) reasonably necessary to accommodate construction being performed pursuant to a valid building permit, provided the portable toilet(s) are cleaned and serviced once a week. This exemption applies only to portable toilets used by persons performing construction at the time such persons are actually performing construction. Failure to comply with the service and cleaning requirement of this section shall constitute a violation of this ordinance.

SECTION 4. PRIOR EXCEPTIONS VOIDED. Any prior exception to the requirement that portable toilets be located so they are not visible from City streets granted to a property owner by the City Council is null and void upon the passing of this ordinance and shall not transfer to subsequent owners of the property.

SECTION 5. ENFORCEMENT AND PENALTIES FOR VIOLATION.

Any violation of this code may be cited as a municipal infraction. The University Heights City Clerk, the Clerk's duly authorized agent, and any officer, including reserve

September 7, 2007. The amendment added Section 2(B), and amended Section 3(B) requiring that toilets must not be placed earlier than 8:00 a.m. on the Friday before the first game of the season and must be removed by the Monday immediately after the last game of the season. It also states that a portable toilet must not be visible from city streets and must be cleaned and serviced before 5:00 p.m. on the Sunday immediately following each game. Section 3(B) added the same language. Section 4 states any violations may be cited as a municipal infraction with a civil penalty of \$250.00 for the first offense and \$500.00 for repeat offenses.

Ordinance No. 163, amending Section 3(A) was passed and approved the 11th day of September, 2007 and published in the Iowa City Press Citizen the 15th day of September, 2007. The amendment changed the days the toilets may be placed in residential and commercial zones to Thursday immediately before the first game of the season and must be removed on the Monday immediately following the last game of the season.

Ordinance No. 172, amending Section 3(A) and adding a new Section 4 was passed and approved the 8th day of September, 2009. The amendment added exceptions to the requirement that portable toilets not be visible from the City streets.

Ordinance No. 228, amending Section 3(A) deleting language "in a C Commercial Zone where fifteen (15) or more vehicles are parked with". Replaced "the first game" with "each scheduled football game" and replaced removed "by 5:00 p.m. on the Monday immediately following" with "no later than seventy-two (72) hours following each scheduled game". Added "If the football games held at Kinnick Stadium are scheduled on consecutive weekends, then portable toilets shall be allowed to remain until seventy-two (72) hours immediately following the last consecutive scheduled football game". Deleted language requiring that toilets be placed so as not to be visible unless granted an exception, and added language requiring that toilets be secured and inaccessible. Section 3(B) added language "or in a C Commercial Zone, replaced language allowing placement no earlier than Friday with Thursday, and added requirement that toilets be removed seventy-two hours following the last game of the season. Added requirement that property owner make effort to ensure that toilets not be visible from public streets and limit accessibility to game days. Section 4 in toto was rescinded. Section was modified from authorization to issue citation to any violator to any property owner in violation, reduced the fine from \$250 for the first violation and \$500 for repeat offenses to \$50 per portable toilet per day. Ordinance was passed and approved the 21st day of August, 2018 and published in the Iowa City Press Citizen the 29th day of August, 2018.